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INVESTIGATION OF COMMUNIST INFILTRATION IN
GOVERNMENT—PART 2

Since these hearings are consecutively
paged they are arranged by page number
instead of alphabetically by title.

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
SECOND SESSION

JUNE 20 AND 28, 1956

Printed for the use of the Committee on Un-American Activities

(INCLUDING INDEX)



UNITED STATES
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WASHINGTON : 1956

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INVESTIGATION OF COMMUNIST INFILTRATION IN
GOVERNMENT—PART 6

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

FRANCIS E. WALTER, Pennsylvania, *Chairman*

MORGAN M. MOULDER, Missouri

CLYDE DOYLE, California

JAMES B. FRAZIER, JR., Tennessee

EDWIN E. WILLIS, Louisiana

HAROLD H. VELDE, Illinois

BERNARD W. KEARNEY, New York

DONALD L. JACKSON, California

GORDON H. SCHERER, Ohio

RICHARD ARENS, *Director*

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121, STANDING COMMITTEES

* * * * *
17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 6

WEDNESDAY, JUNE 20, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities convened at 10 a. m., pursuant to call, in the caucus room, Old House Office Building, Hon. Francis E. Walter, chairman, presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Edwin E. Willis, of Louisiana; Bernard W. Kearney, of New York; and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., counsel, and Courtney E. Owens, investigator.

(Committee members present at the time of convening: Representatives Walter, Kearney, and Scherer.)

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Ellis Olim, will you come forward, please?

The CHAIRMAN. Has the witness been sworn?

Mr. RABINOWITZ. I think he has, sir.

Mr. TAVENNER. He was sworn in Chicago, but I believe it is necessary to swear him again.

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OLIM. I do.

Mr. TAVENNER. This is another subcommittee. Would you mind announcing for the record the constitution of the subcommittee?

(Representative Edwin E. Willis returned to the hearing room at this point.)

The CHAIRMAN. The Chair announces that a subcommittee consisting of Messrs. Kearney, Scherer, Willis, and myself has been designated to hear this witness.

TESTIMONY OF ELLIS GEORGE OLIM, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. TAVENNER. Are you Mr. Ellis Olim?

Mr. OLIM. Yes.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RABINOWITZ. Victor Rabinowitz, of New York.

Mr. TAVENNER. Mr. Olim, you appeared as a witness before a subcommittee of this committee in December of 1955 in Chicago; did you not?

Mr. OLIM. Yes, sir.

Mr. TAVENNER. At that time, Mr. Olim, the committee had interrogated you regarding various matters. Among them were these: Whether or not you had known a person by the name of James E. Gorman who has since testified before this committee. You were questioned regarding the testimony given this committee by Herbert Fuchs. You were questioned regarding membership in a Communist Party cell organized within the staff of the Wheeler subcommittee of the Senate. You were questioned regarding your Form 57 for Government employment, wherein there was a provision relating to membership in the Communist Party, which you answered on the form in the negative.

Those were the principal matters about which you were interrogated. During the course of that interrogation a member of the subcommittee, Mr. Gordon H. Scherer, suggested to you inasmuch as you were relying upon the fifth amendment in refusing to answer questions that this committee would take legal steps necessary to grant you immunity if you would testify. And I am going to read into the record at this point what was said in regard to that.

Mr. SCHERER. Mr. Olim, up to this point in your testimony you have refused to answer all significant questions asked you by Mr. Tavenner, on the ground that to answer those questions might tend to incriminate you.

I believe that you have properly invoked the fifth amendment in refusing to answer those questions. However, the committee feels that you do possess some valuable information which would be helpful to the committee, to the Government, and to your country, if you would answer those questions.

The law provides that this committee, with the approval of the Federal court, can grant you immunity; that is, say to you that if you answer those questions you cannot suffer the incrimination or prosecution you now feel might result from answering those questions.

Now, I, for one, am inclined to agree that we should invoke that provision of the law which gives us the right to grant immunity, and if such immunity is granted to you, would you then answer the questions asked in order that we might have the benefit of the information you possess?

Mr. OLIM. Mr. Scherer, may I consult with counsel for a minute?

Mr. SCHERER. Certainly.

(Witness confers with counsel.)

Mr. OLIM. Mr. Scherer, and Mr. Chairman, I don't have any present thoughts on that matter. I will make up my mind on that question if and when the immunity is offered or granted.

Mr. SCHERER. You understand that we are not asking you at this point to answer the questions, but we merely want to know, without going through all of the procedure that is required to obtain that immunity, whether or not, if that immunity is offered to you by this committee, you will then answer the questions.

You say your only reason, and that is the only reason that you have stated for not answering the questions, is because you feel that answering them might result in some criminal prosecution. Now if you are relieved of any possible criminal prosecution by the action of the committee—we will not ask you to answer those questions today—we merely want to know would you then answer those questions? Otherwise we will be compelled to go through unnecessary motions in getting to that point where we are able to offer you that immunity. If you tell us that you will answer the questions if that immunity is granted, then we can go forward and obtain that immunity, so that at some later date you can answer the questions without fear of criminal prosecution.

That is the only thing I want to know. We do not want you to answer the questions today; we merely want to know, if you are granted immunity, whether you will answer the questions.

(Witness confers with counsel.)

Mr. OLIM. Mr. Scherer, I have never discussed that with counsel, the question of immunity, and since I am not an attorney and don't know very much about this subject—in fact, I know practically nothing about the subject—I would have to seek advice on that question before I could give any answer.

Mr. SCHERER. Assuming after you sought that advice, and your counsel tells you what I have said is the law, and assuming this committee does grant you immunity so you cannot possibly suffer incrimination or prosecution, which you now say prevents you from answering these questions, I merely want to know whether you will then answer the questions?

(Witness and counsel confer.)

Mr. SCHERER. I take it the record will show, Mr. Reporter, that the witness is consulting with his counsel before finally replying.

Mr. TAVENNER. Mr. Chairman, may I make a suggestion?

Mr. WILLIS. Certainly.

Mr. TAVENNER. The witness has said he wanted the opportunity to confer fully with counsel on this, and I would suggest that he be given a little time in which to do so. I think it is a very important matter.

Mr. SCHERER. I suggest we have a 10-minute recess.

Mr. FANELLI. Thank you, sir.

Mr. WILLIS. We will recess for 10 minutes.

(Whereupon, a 10-minute recess was taken, after which the following proceedings were held:)

Mr. WILLIS. The subcommittee will come to order. Proceed.

Mr. TAVENNER. I understand that during this period of recess the witness would be given an opportunity to confer additionally with counsel regarding the matter of immunity.

Mr. OLIM. Mr. Counsel, and Mr. Chairman, the answer to the last question that was asked me is "Yes."

Mr. FANELLI. Yes; he would testify, Mr. Chairman.

Mr. TAVENNER. I think in light of that, Mr. Chairman, I should not ask any further questions at this time.

In the belief that you would testify if granted immunity, Mr. Olim, this committee took action to begin proceedings to give you the advantage of the protection of the immunity statute. But just before we were prepared to present the matter to court, advice was received from your attorney that you would not testify if granted immunity.

First let me ask, did you confer with any person known to be or to have been a member of the Communist Party regarding the question of your testifying before this committee at any time between December 15, 1955, and the time you advised this committee that you would not testify which was I think January 23, 1956?

Mr. OLIM. No, sir; I did not.

Mr. TAVENNER. You did not?

Mr. OLIM. No, sir.

(Committee members present: Representatives Walter, Willis, Kearney, and Scherer.)

Mr. SCHERER. Do you know whether your counsel discussed it with anyone who was a member of the Communist Party?

Mr. OLIM. I have no knowledge of that.

Mr. SCHERER. Your counsel then was different from your counsel who is here this morning.

Mr. OLIM. Yes.

The CHAIRMAN. When did you change counsel?

Mr. OLIM. I don't remember exactly.

(The witness confers with his counsel.)

Mr. RABINOWITZ. May the witness refer to records to refresh his recollection on that last question?

The CHAIRMAN. Yes.

Mr. RABINOWITZ. This is correspondence with counsel.

The CHAIRMAN. I understand he was represented by a man by the name of Joseph A. Fanelli?

Mr. RABINOWITZ. That is right.

Mr. OLIM. March 15.

Mr. TAVENNER. Mr. Olim, you did agree at the time of that hearing, at the time the hearing was recessed, to testify if granted immunity; did you not?

(The witness confers with his counsel.)

Mr. OLIM. Mr. Tavenner, that wasn't my understanding of what I agreed to or what I said. The question was very complicated and had a number of provisos in it, and all I can say is that I answered "Yes" to the question as I understood it, after consulting with counsel.

Mr. SCHERER. It was certainly clear what proposition was made. You just heard the testimony reread by Mr. Tavenner. I do not see how any person, particularly with your background and especially since you were represented by able counsel, could have possibly misunderstood the question before you at that time. I do not believe that that is the reason for your changing your mind, namely, that you did not understand the nature of the proposition that was submitted.

Mr. TAVENNER. Isn't it a fact that on the very day on which you appeared before the committee the newspapers carried prominently, that is, the newspapers in Chicago carried prominently, a headline that you had agreed to testify if granted immunity, and that you would be the first who had agreed to do so? Do you not recall that?

Mr. OLIM. I do.

Mr. TAVENNER. Did you get in touch with the committee or anyone and advise them that you had any different understanding about it than that which everyone else seemed to have?

Mr. OLIM. Yes.

Mr. TAVENNER. Did you advise this committee?

Mr. OLIM. I got in touch with my counsel.

Mr. TAVENNER. You got in touch with your counsel?

Mr. OLIM. Yes.

Mr. TAVENNER. But when?

Mr. OLIM. I don't think I recall the exact date now.

Mr. TAVENNER. Is it a fact that you did not get in touch with counsel about that until after you learned through the press that the committee was about ready to present the petition to court?

Mr. OLIM. No, sir; that is not a fact.

Mr. TAVENNER. How soon was it after you testified in Chicago that you got in touch with your attorney about that matter, or that you had a different understanding from what was in the press?

Mr. OLIM. May I look at my correspondence on it?

Mr. TAVENNER. Surely.

(The witness confers with his counsel.)

Mr. TAVENNER. Are you ready to answer?

Mr. OLIM. Well, Mr. Tavenner, when I saw the newspaper publicity I was somewhat surprised by the publicity and by the way in which it was presented. My first reaction was that it was a not uncommon newspaper exaggeration and a twist in order to make a good story. I

can't remember the exact day now but it was, I am quite sure, within a week thereafter that I got in touch with counsel and discussed the matter with him.

You recall that was around the Christmas period.

The CHAIRMAN. That is, you got in touch with Mr. Fanelli?

Mr. OLIM. That is right, sir.

The CHAIRMAN. This might be beside the point, but how did it happen that you, a resident of Chicago, retained Mr. Fanelli to represent you in this hearing?

Mr. OLIM. Because the first subpoena directed me to appear in Washington, D. C., and I thought a Washington counsel would be preferable.

I had some discussions with Mr. Fanelli about the question that went on for a week or two thereafter, and then when I heard—not through the press, but through my office which I understand had been in contact with you, Mr. Tavenner—that the committee was going to take action, I again got in touch with my counsel on the matter, as I recall it now. And then I heard, again I believe through my office, that the committee had taken some formal action and again I got in touch with counsel. And I think thereafter Mr. Fanelli got in touch with you.

Mr. SCHERER. Apart from what he said, that the newspaper stories were exaggerated or twisted, I was the one who suggested to this man the possible granting of immunity. I read the newspaper stories carefully and every newspaper reporter in that room clearly understood what had taken place and correctly reported what the committee had said to this man and what this man had said to the committee.

There certainly was no exaggeration or distortion in the newspaper accounts of what took place in the hearing room in Chicago. And it just gives weight to what I said a few minutes ago; that I do not believe this man's statement that he has changed his mind because he did not clearly understand the import of the proposition made to him at that time. That is beyond belief because the record as you read it this morning was perfectly clear to any individual to understand, particularly with the educational background and position this man has, and particularly since he was represented by counsel who was familiar with this phase of the law.

(The witness confers with his counsel.)

Mr. WILLIS. I might say that I was presiding at the time of this occurrence and I can fully concur in what the gentleman from Ohio says. The papers very accurately reported what happened, and there is only one conclusion, that this witness is welshing on an agreement to testify. What prompted him to do it, is another question.

(The witness confers with his counsel.)

Mr. TAVENNER. Mr. Olim, you were present, weren't you, when your employer called me by long distance?

Mr. OLIM. No, sir; I was not.

Mr. TAVENNER. Didn't you give your employer to understand that if granted immunity you would testify?

Mr. OLIM. No, sir, I did not.

Mr. WILLIS. I think at the time he was testifying in Chicago he was then employed by the city of Chicago in some capacity in the management of land or public housing or something. Is that correct?

Mr. OLIM. I was employed by a public agency, not the city of Chicago.

Mr. SCHERER. It was an agency of the government, was it not?

Mr. OLIM. Of the government.

Mr. WILLIS. An agency of the government of the city of Chicago.

Mr. OLIM. Yes.

Mr. SCHERER. What was your title?

Mr. OLIM. I was chief of the General Services Division.

Mr. SCHERER. Of what agency?

Mr. OLIM. Of the Land Clearance Commission.

Mr. TAVENNER. Mr. Olim, regardless of the notice given to me through your counsel that you would not testify even if granted immunity, will you change your mind at this time to conform with what the committee understood was your agreement in December of 1955 and testify if this committee still proceeds with its plans to grant you immunity?

(The witness confers with his counsel.)

Mr. OLIM. No, sir.

Mr. TAVENNER. You will not.

The CHAIRMAN. Will you keep your voice up a little bit, please?

Mr. TAVENNER. I desire to ask you a few more questions at this time because your interrogation was interrupted by the sequence of events which I have described.

I believe, according to your testimony, you were employed at the Interstate Commerce Commission in Washington.

Mr. OLIM. Yes, sir.

Mr. TAVENNER. Were you a member of the Communist Party at the time you were employed there?

Mr. OLIM. I respectfully decline to answer that question on the grounds of the first and fifth amendments and all of the constitutional privileges.

Mr. WILLIS. Will you raise your voice, please?

Mr. OLIM. Should I repeat the answer?

Mr. WILLIS. Yes. I did not hear you.

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman, on the grounds of the first and fifth amendments of the Constitution and all other constitutional privileges available to me.

Mr. TAVENNER. What was your next employment after leaving the Interstate Commerce Commission?

Mr. OLIM. The United States Housing Authority.

Mr. TAVENNER. When did you become employed there?

Mr. OLIM. June 1938.

Mr. TAVENNER. Will you tell us the circumstances under which you obtained employment at the United States Housing Authority?

Mr. OLIM. I just applied for a job and was accepted.

Mr. TAVENNER. Was anyone known to you to be a member of the Communist Party responsible in any way for your being recommended for that position or chosen for that position?

Mr. OLIM. No.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party within the employees in the United States Housing Authority while you were a member of it?

(The witness confers with his counsel.)

Mr. OLIM. I respectfully decline to answer the question on the same grounds as previously stated.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party among the employees in the United States Housing Authority while you were employed there.

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman, on the same grounds.

Mr. TAVENNER. What was your next employment by the United States Government?

Mr. OLIM. In 1950 or 1951, or thereabouts—I am not exactly sure that I recall—I transferred to the Division of Slum Clearance and Urban Redevelopment in the Housing and Home Finance Agency.

Mr. WILLIS. Will you raise your voice, please?

Mr. OLIM. I transferred to the Division of Slum Clearance and Urban Redevelopment in the Housing and Home Finance Agency.

Mr. TAVENNER. Was that in 1951?

Mr. OLIM. 1950 or 1951. I am not sure now exactly when it was.

Mr. TAVENNER. How long were you employed there?

Mr. OLIM. I believe until January 1952.

Mr. TAVENNER. Where did you serve in that employment, that is, in what area? Was that in Washington or Chicago?

Mr. OLIM. In Washington, D. C.

Mr. TAVENNER. Was that agency for which you were working an affiliate of the Public Housing Administration?

Mr. OLIM. You mean the most recent organization?

Mr. TAVENNER. At the time, between 1951 and 1952?

Mr. OLIM. No, sir. The Public Housing Administration was a constituent agency of the Housing and Home Finance Agency, and I transferred to another constituent of the Housing and Home Finance Agency, namely, the Division of Slum Clearance and Urban Redevelopment.

Mr. TAVENNER. Yes, I understand.

Were you aware of the existence of an organized group of the Communist Party within that agency?

Mr. OLIM. I respectfully decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party at any time during the years 1951 and 1952?

Mr. OLIM. I respectfully decline to answer the question on the same grounds.

(The witness confers with his counsel.)

Mr. TAVENNER. Our study of the record of your employment indicates that you resigned from Government employment in January of 1952. Is that correct?

Mr. OLIM. That is correct.

Mr. TAVENNER. What were your reasons for resigning?

(The witness confers with his counsel.)

(Members of the committee present: Representatives Walter, Willis, Kearney, and Scherer.)

Mr. OLIM. I was tired of Government employment.

Mr. TAVENNER. Did you have or undergo a loyalty investigation prior to your resignation?

(The witness confers with his counsel.)

Mr. OLIM. I respectfully decline to answer that question on the same grounds, Mr. Chairman.

The CHAIRMAN. What does the record show?

Mr. TAVENNER. It shows that there was a loyalty investigation.

The CHAIRMAN. In other words, you resigned because you felt the hot breath of the investigators on your neck, did you not? Is that not it?

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman, on the same grounds.

Mr. TAVENNER. Did you have a hearing under the loyalty program?

Mr. OLIM. I respectfully decline to answer the question on the same grounds.

Mr. TAVENNER. Did you receive a clearance under the loyalty investigation program?

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman, on the same grounds as previously stated.

Mr. SCHERER. What does the record show?

Mr. TAVENNER. That he was given a clearance.

I would like to ask the witness if he was asked at any time, while employed between 1951 and 1952, in the course of any loyalty investigation, whether or not he had been a member of the Communist Party?

Mr. OLIM. I respectfully decline to answer the question, Mr. Chairman, on the same grounds.

(The witness confers with his counsel.)

Mr. TAVENNER. Did you deny to Government officials that you had ever been a member of the Communist Party?

Mr. OLIM. I respectfully decline to answer the question on the same grounds.

Mr. TAVENNER. You were identified by James E. Gorham and Herbert Fuchs in their testimony before this committee that you were a member of a Communist Party cell organized within the staff of the Senate Wheeler subcommittee at the time you were employed by the Interstate Commerce Commission.

Was their identification of you as a member of that group true or false?

Mr. OLIM. I respectfully decline to answer the question on the same grounds.

Mr. WILLIS. As a matter of fact, you were in the courtroom in Chicago last December and heard Herbert Fuchs' testimony concerning yourself personally, did you not? You were there when he testified? That is the question I am asking you. Is that true?

(The witness confers with his counsel.)

Mr. OLIM. Yes, sir.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. OLIM. No, I am not.

Mr. TAVENNER. Were you a member of the Communist Party at the time you resigned from Government employment in January of 1952?

(The witness confers with his counsel.)

Mr. OLIM. I respectfully decline to answer on the same grounds.

Mr. TAVENNER. Have you been a member of the Communist Party at any time while employed by the Land Clearance Commission in the city of Chicago?

(The witness confers with his counsel.)

Mr. OLIM. No.

Mr. TAVENNER. When did your employment with that commission begin?

Mr. OLIM. June 1952.

Mr. TAVENNER. Therefore, there was a time between January 1952 and June 1952 when your position changed with respect to the Communist Party. Is that true?

(The witness confers with his counsel.)

Mr. OLIM. Mr. Counsel, I think there is only a change in my answers with respect to that period.

Mr. TAVENNER. But no factual change?

Mr. OLIM. I refuse to answer that on the same grounds as before.

Mr. TAVENNER. Now, in June 1952, you have said that you were not a member of the Communist Party. You refused to answer whether you were a member of the Communist Party in January 1952. What happened between those two dates which causes you now to answer as you have?

(The witness confers with his counsel.)

Mr. OLIM. I respectfully decline to answer on the same grounds.

Mr. TAVENNER. Did you, during that period, withdraw from the Communist Party?

Mr. OLIM. I respectfully decline to answer on the same grounds.

The CHAIRMAN. Mr. Tavenner, I think that we will have a recess for 5 minutes. I think we ought to go into a conference.

(Whereupon, a short recess was taken, there being present at the time of taking the recess Representatives Walter, Willis, Kearney, and Scherer.)

(The subcommittee was reconvened at the expiration of the recess, there being present Representatives Walter, Willis, Kearney, and Scherer.)

Mr. TAVENNER. I have just one other question: Mr. Olim, have you been a member of the Communist Party at any time that I have not specifically inquired about?

(The witness confers with his counsel.)

Mr. OLIM. I respectfully decline to answer on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Any questions?

Mr. WILLIS. No questions.

Mr. KEARNEY. No questions.

The CHAIRMAN. The committee is adjourned.

Mr. RABINOWITZ. I assume the witness is excused?

The CHAIRMAN. The witness is excused from further attendance under the subpoena.

(Whereupon, at 10:50 a. m., Wednesday, June 20, 1956, the subcommittee was recessed subject to the call of the chair, there being present Representatives Walter, Willis, Kearney, and Scherer.)



INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 6

THURSDAY, JUNE 28, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 2:50 p. m., in the caucus room, Old House Office Building, Hon. Morgan M. Moulder (chairman), presiding.

Committee members present: Representatives Morgan M. Moulder and Harold H. Velde.

Staff members present: Frank S. Tavenner, Jr., counsel; and Courtney E. Owens, investigator.

Mr. MOULDER. The committee will be in order.

The record should show that this subcommittee has been duly appointed by the chairman of the full committee, comprising Congressman Harold H. Velde, of Illinois; Congressman Edwin E. Willis, of Louisiana; and myself, Morgan M. Moulder, of Missouri, as chairman, to conduct these hearings pursuant to the provisions of Public Law 601.

The record will show that Mr. Velde and myself are present, constituting a quorum for that purpose.

Call your witness, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Donner, will you come forward, please?

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DONNER. I do.

TESTIMONY OF FRANK DONNER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. TAVENNER. Are you Mr. Frank Donner?

Mr. DONNER. That is correct, Mr. Tavenner.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Can we get the pictures taken before the questioning starts?

Mr. DONNER. Am I supposed to say something?

Mr. TAVENNER. You have satisfied the requirements.

This is a continuation, Mr. Chairman, of the hearings which began in Chicago in December of 1955, regarding the existence of a number of Communist Party cells organized within government. This witness, Mr. Donner, was subpoenaed on September 20, 1955, to appear before the committee on January 24, 1956. Shortly after he was subpoenaed, it was called to my attention either by Mr. Donner or counsel representing him that Mr. Donner was engaged in the trial of a case under the Smith Act in New Haven, I believe.

Mr. DONNER. That is correct.

Mr. TAVENNER. In light of that, his appearance has been postponed from time to time until the present time.

Will you tell the committee please, Mr. Donner, when and where you were born?

Mr. DONNER. I was born in Brooklyn, N. Y., February 25, 1911.

Mr. TAVENNER. What is your occupation?

Mr. DONNER. I am a lawyer.

Mr. TAVENNER. How long have you been engaged in the practice of law, and where?

Mr. DONNER. I have been engaged in the practice of law about 17 or 18 years, Mr. Tavenner; in Washington and in New York City.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. DONNER. Yes. I have a bachelor and master's degree from the University of Wisconsin; and, after I left there, I went to Columbia Law School. I stayed on there after I got out for 3 years and did legal research, and came to work for the Government in around 1940.

Mr. TAVENNER. Where did you accept your first position with the Government?

Mr. DONNER. I believe it was in the Litigation Section of the National Labor Relations Board.

Mr. TAVENNER. Were you stationed in Washington, D. C.?

Mr. DONNER. Yes; I was.

Mr. TAVENNER. What was the date of that employment?

Mr. DONNER. I think it was early in 1940. I have an impression it was March, but I am not sure.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you became employed at the National Labor Relations Board?

Mr. DONNER. Yes. My work at Columbia was drawing to a close and I came to Washington to look for a job. I interviewed various people at the Board, and there were no jobs in the Review Section—that is the section that is devoted to the initial administration of the act—and there was some promise of an opening in the Appellate Review Section. I followed that up and subsequently was employed in the Appellate Review Section.

Mr. TAVENNER. Were any of the persons you interviewed in the National Labor Relations Board acquainted with you prior to your appearance for the interview?

Mr. DONNER. It would be almost impossible for me to answer whether they were acquainted with me. My impression is no, as far as I know. I went there cold.

Mr. TAVENNER. Through whom did you obtain your appointment?

Mr. DONNER. Well, as I recall it, Mr. Tavenner, it is a good many years ago, but I saw a man named Laurence A. Knapp, who was then

Assistant General Counsel in charge of litigation, and I had an extended interview with him and ultimately I think he hired me.

Mr. TAVENNER. Was Nathan Witt employed by the National Labor Relations Board at that time?

Mr. DONNER. Yes, I believe he was.

Mr. TAVENNER. Did he have anything to do with your appointment?

Mr. DONNER. No.

Mr. TAVENNER. That is, with the National Labor Relations Board?

Mr. DONNER. Not as far as I know.

Mr. TAVENNER. Was he one of the officials who interviewed you?

Mr. DONNER. I just don't recall. He may have been. I just don't remember.

Mr. TAVENNER. Were any of the persons responsible for your appointment known to you to be members of the Communist Party?

Mr. DONNER. No.

Mr. TAVENNER. How long were you employed by the National Labor Relations Board?

Mr. DONNER. Three or four years.

Mr. TAVENNER. From 1940 up until—

Mr. DONNER. 1943 or 1944. Your records probably are more accurate than my memory.

Mr. TAVENNER. What positions did you hold during that period?

Mr. DONNER. I was what they call a briefwriter and appellate attorney, and then for a period of time, I believe, as an appellate supervisor. At least that is the way I recall it.

Mr. TAVENNER. With regard to your employment there, our information is that your employment terminated January 20, 1945.

Mr. DONNER. As late as that? Well, I accept your date. I just have no record of it and have no way of verifying it.

Mr. TAVENNER. According to your best recollection, is that substantially correct?

Mr. DONNER. Yes; that sounds right.

Mr. TAVENNER. During the period of your employment did you become acquainted with another employee of the National Labor Relations Board by the name of Herbert Fuchs?

Mr. DONNER. I decline to answer that question on the following grounds: First, I would like to give these grounds at once and then refer to them collectively subsequently if possible.

Mr. TAVENNER. That is satisfactory.

Mr. DONNER. First, that the resolution under which the committee functions interferes with free speech and imposes censorship; second, on the ground that the resolution is vague; third, that the inquiry here is outside the scope of the resolution. It is not propaganda or propaganda activities. Fourth, on the grounds that the ad hoc question which you are asking me is a violation of the first amendment; fifth, on the ground that in response to it, fifth, I invoke the privilege against self-incrimination under the fifth amendment, a privilege which the Supreme Court has recently said is for the protection of freedom in conscience as well as self-incrimination; sixth, on the ground that this is in effect a legislative trial without judicial safeguards; and, finally, on the ground that this is a personal, private matter which is being interrogated about for a nonlegislative purpose.

Mr. MOULDER. As I understand, when you wish to decline to answer a question, you desire that you may do so by referring to the reasons which you have given by claiming the privilege, stating that—

Mr. DONNER. I think that will save the time of this subcommittee.

Mr. MOULDER. By reference you are invoking the same reasons.

Mr. DONNER. Very well.

Mr. TAVENNER. In the course of your employment with the National Labor Relations Board, did you become acquainted with an employee there by the name of Mortimer Riemer, R-i-e-m-e-r?

Mr. DONNER. The same answer.

Mr. MOULDER. You decline to answer for the same reasons?

Mr. DONNER. That is correct.

Mr. TAVENNER. Did you, during the course of your employment, become acquainted with Harry Cooper, another employee of the National Labor Relations Board?

Mr. DONNER. I decline for the same reasons.

Mr. TAVENNER. Mr. Donner, three of the individuals I mentioned have appeared as witnesses before this committee and have advised it of the existence of Communist Party groups organized among members of the staff of the National Labor Relations Board. Their testimony indicates that at least two separate cells or groups were established there. That is Communist Party groups. Perhaps there were more.

I want to ask you at this time if during the period of your employment you were aware of the existence of one or more organized groups of the Communist Party, composed of employees of the National Labor Relations Board?

Mr. DONNER. I decline to answer that for the same reasons previously given.

Mr. VELDE. Let me say just a word here.

Of course, we have never recognized any of the reasons given by you when you first made your statement for refusing to answer the questions except the privilege against self-incrimination, but I would like to know just how you think that your answer to that question, whether you knew of any activities of a Communist Party nature, incriminates you in any way. It should not even violate your conscience, Mr. Donner.

Mr. DONNER. Mr. Velde, under the Burr case and other cases it is established that whether or not I have appropriately claimed the privilege is a judicial function, not a legislative one.

Mr. VELDE. I was just expressing my opinion.

Mr. DONNER. I understand.

Mr. VELDE. In one of your answers you said that you felt that the committee was illegally organized and illegally set up, so that maybe we are criminals up here, Mr. Moulder.

Mr. MOULDER. I understand you said that the law authorizing the committee to function did not authorize us to go into the subject of the question asked.

Mr. DONNER. That is correct.

Mr. TAVENNER. Mr. Donner, during the course of the testimony of these three individuals, Mr. Herbert Fuchs, Mr. Mortimer Riemer, and Mr. Harry Cooper, you were identified as a member of the organized group of the Communist Party composed of staff members of the

National Labor Relations Board. Were you correctly identified as a member of the Communist Party or not?

Mr. DONNER. I decline to answer that for the reasons previously given.

Mr. TAVENNER. Were you a member of any organized group of the Communist Party while you were employed by the National Labor Relations Board?

Mr. DONNER. I decline to answer that for the same reasons.

Mr. TAVENNER. Were you acquainted with David Rein, an employee of the National Labor Relations Board?

Mr. DONNER. Yes.

Mr. TAVENNER. What was the nature of Mr. Rein's employment, if you recall?

Mr. DONNER. I think he was a review attorney.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Mr. DONNER. I decline to answer that for similar reasons, for the same reasons.

Mr. TAVENNER. Were you acquainted with Woodrow Sandler, S-a-n-d-l-e-r?

Mr. DONNER. Yes.

Mr. TAVENNER. Was Woodrow Sandler a member of the Communist Party?

Mr. DONNER. The same answer.

Mr. TAVENNER. Were you acquainted with J. H. Krug, Jacob H. Krug, K-r-u-g?

Mr. DONNER. Yes.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Mr. DONNER. The same answer.

Mr. TAVENNER. Were you acquainted with John W. Porter?

Mr. DONNER. No.

Mr. TAVENNER. Was John W. Porter employed by the National Labor Relations Board while you were employed there?

Mr. DONNER. I don't recall his name.

Mr. TAVENNER. Do you know whether or not John W. Porter had also been employed by the Department of Justice?

Mr. DONNER. No; I just don't know. He may have left the board before I came.

Mr. TAVENNER. Were you acquainted with his wife, Margaret Bennett Porter?

Mr. DONNER. I just don't recall. I may have met her, but I am not sure.

Mr. TAVENNER. I understand that she was referred to generally by her friends as Peggy Porter.

Mr. DONNER. Oh, yes. Yes, I knew her.

Mr. TAVENNER. You recall Peggy Porter?

Mr. DONNER. Yes.

Mr. TAVENNER. Do you know the nature of her employment with the National Labor Relations Board?

Mr. DONNER. No; I don't.

Mr. TAVENNER. Was she known to you to be a member of the Communist Party?

Mr. DONNER. I decline to answer that for the same reasons.

Mr. TAVENNER. Were you acquainted with Ruth Weyand, W-e-y-a-n-d?

Mr. DONNER. Yes.

Mr. TAVENNER. Was she known to you to be a member of the Communist Party?

Mr. DONNER. I decline to answer that for the same reason.

Mr. VELDE. Mr. Donner, as I recall, you declined to answer when asked whether he knew Herbert Fuchs. Now you are answering the question as to certain other acquaintanceships. Can you tell me the reason for that?

Mr. DONNER. No; I would make the same answer to that, Congressman.

Mr. VELDE. What do you mean by the same answer?

Mr. DONNER. That is, I decline to answer for all the reasons I gave before.

Mr. TAVENNER. Were you acquainted with Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n?

Mr. DONNER. Yes.

Mr. TAVENNER. Was he employed by the National Labor Relations Board at the time you were acquainted with him?

Mr. DONNER. I believe he was.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Mr. DONNER. I decline to answer that for the same reasons.

Mr. TAVENNER. Mr. Donner, according to the testimony of Mr. Fuchs, the original cell of the Communist Party organized within the National Labor Relations Board staff was formed by Mr. Fuchs, Allan Rosenberg, Martin Kurasch, and Joseph Robison.

First, let me ask you, were you acquainted with Allan Rosenberg?

Mr. DONNER. Yes.

Mr. TAVENNER. Martin Kurasch?

Mr. DONNER. Yes; I knew all those people.

Mr. TAVENNER. And Joseph Robison?

Mr. DONNER. Yes.

Mr. TAVENNER. Did any one of those three individuals at any time solicit your membership in the Communist Party?

Mr. DONNER. I decline to answer that for the reasons previously stated.

Mr. TAVENNER. Did Mr. Fuchs solicit your membership?

Mr. DONNER. I decline to answer that for the reasons given.

Mr. TAVENNER. Was Allan Rosenberg a member of the Communist Party as far as you knew?

Mr. DONNER. I decline to answer that for the reasons given.

Mr. TAVENNER. Was Martin Kurasch a member of the Communist Party?

Mr. DONNER. I decline for the same.

Mr. TAVENNER. Was Joseph Robison a member of the Communist Party?

Mr. DONNER. The same answer, Mr. Tavenner.

(The witness confers with his counsel.)

Mr. TAVENNER. Although you have refused to testify regarding your own relationship to the Communist Party, if there was such a relationship, and you have refused to testify relating to Communist Party membership of other persons, yet I would like to ask this ques-

tion: Do you know what purposes the Communist Party endeavored to accomplish by the organization of a group within the National Labor Relations Board staff?

Mr. DONNER. I decline to answer that for the same reason.

Mr. TAVENNER. Were you present at any meetings attended by other persons who were members of the Communist Party which discussed the procedure and the action that the National Labor Relations Board or its staff should take on matters in which the Communist Party was interested?

Mr. DONNER. I was a briefing attorney, Mr. Tavenner, and, when I got a case, the decision to enforce it had already been made by someone else, and then it was up to the courts to review it, and that was the limits of my job.

Mr. TAVENNER. I am not speaking particularly about any special case that may have been referred to you. The committee has heard testimony that at such meetings Communist Party members discussed what action should be taken by the Board or what procedures should be followed from the Communist Party standpoint.

Mr. DONNER. Mr. Tavenner, all I want to do is make clear to you that I did my job in accordance with my instructions from my superior, that I never followed advice from anybody else; that is, as far as my job was concerned. I realize that you are asking another question and, in response to that, I plead the same reasons that I plead initially.

Mr. MOULDER. Mr. Tavenner is asking you a question as to whether or not you ever attended any meetings or conferences where those present were Communist Party members discussing the policy to be adopted by the employees of the National Labor Relations Board.

(The witness confers with his counsel.)

Mr. DONNER. I am sorry. I didn't mean to interrupt. I take it this is a Communist Party meeting you are talking about?

Mr. TAVENNER. No; I did not confine it to a Communist Party meeting. I said meetings attended by persons who were members of the Communist Party.

Mr. DONNER. I would decline to answer that on the same grounds.

Mr. TAVENNER. The committee has received evidence indicating that the members of the Communist Party within the National Labor Relations Board staff were directed by the Communist Party not to engage in work in mass organizations, and that that directive caused considerable dispute and argument within the Communist Party group and that on one occasion Victor Perlo appeared before the Communist Party group composed of employees of the National Labor Relations Board on that matter.

First, let me ask you were you acquainted with Victor Perlo?

Mr. DONNER. Not while I worked for the Government.

Mr. TAVENNER. Do you know of any occasion when Victor Perlo appeared before groups of employees irrespective of their Communist Party membership?

(The witness confers with his counsel.)

Mr. DONNER. I would decline to answer that for the reasons given.

Mr. TAVENNER. What was the period during which you knew Victor Perlo?

Mr. DONNER. That was after I went into practice in New York.

Mr. TAVENNER. In private practice?

Mr. DONNER. Yes.

Mr. TAVENNER. During what year or years did you know him?

Mr. DONNER. Oh, 1949, 1950, in there.

Mr. TAVENNER. How was Victor Perlo employed at the time you knew him?

Mr. DONNER. I just don't know.

Mr. TAVENNER. Did Victor Perlo at any time discuss Communist Party objectives with you?

(The witness confers with his counsel.)

Mr. DONNER. I would decline to answer that for the reasons previously given.

Mr. TAVENNER. When you were employed by the Government you filed the usual Government form giving a personal-history statement with the United States Civil Service Commission, did you not?

Mr. DONNER. I just don't recall. If you have one—

Mr. TAVENNER. I hand you a photostatic copy of such an application. The signature is on the back of it.

(The witness confers with his counsel.)

Mr. TAVENNER. You will find your signature on the last page of the document.

(The witness confers with his counsel.)

Mr. DONNER. Yes; that is my signature.

Mr. TAVENNER. You will note that the questions are answered in handwriting instead of being typed, do you not?

Mr. DONNER. Yes.

Mr. TAVENNER. Is that your handwriting?

Mr. DONNER. Yes.

Mr. TAVENNER. May I have it a moment, please? [Handed.] I desire to introduce the document in evidence, and ask that it be marked "Donner Exhibit No. 1" for identification purposes, in the records of the committee.

Mr. MOULDER. The document referred to by counsel will be marked "Donner Exhibit No. 1."

(The document referred to was marked "Donner Exhibit No. 1" for identification and filed for the record.)

Mr. TAVENNER. It bears date of June 2, 1943. I read question 26:

Are you a member of any Communist or German bund organization or any political party or organization which advocates the overthrow of our constitutional form of government in the United States, or do you have membership in, or any affiliation with, any group, association, or organization which advocates or lends support to any organization or movement advocating, the overthrow of our constitutional form of government in the United States?

Do you recall that question on your application?

Mr. DONNER. Yes.

Mr. TAVENNER. Following the question there appears the answer "No." Did you give that answer?

Mr. DONNER. I decline to answer that question.

Mr. MOULDER. I might ask for the reasons previously stated?

Mr. DONNER. Correct. I am sorry.

Mr. TAVENNER. Were you employed on June 2, 1943, with the National Labor Relations Board, at the time you filed this personal-history statement?

Mr. DONNER. I have no independent recollection of it, but I assume from your records that I was.

Mr. TAVENNER. Our records indicate that your appointment was March 22, 1940.

Mr. DONNER. Well, my memory was all right on that. I did remember March 1940.

Mr. TAVENNER. Do you recall the circumstances under which you were asked to prepare this personal-history statement?

Mr. DONNER. No.

Mr. TAVENNER. It is true, is it not, that the answer "No," appears as the answer to question 26.

(The witness confers with his counsel.)

Mr. DONNER. Yes, the answer "No" appears.

Mr. TAVENNER. Was that answer "No," made by you on June 2, 1943, truthful as of that date, or was it false?

Mr. DONNER. I decline to answer that question for the reasons previously stated.

Mr. TAVENNER. Were you a member of the Communist Party on the 2d day of June 1943?

Mr. DONNER. I decline for the reasons previously stated.

Mr. TAVENNER. Mr. Donner, the committee on a number of occasions has found that persons seeking Federal Government employment were required to make similar applications to this, or similar statements, and that, although their Communist Party membership has been shown to exist, they nevertheless answered the question in the negative.

In other words, when applying for Government employment or giving the Government a statement—

(The witness confers with his counsel.)

Mr. TAVENNER. They have untruthfully stated that they had not been members of the Communist Party. Can you give the committee any reason for that?

Mr. DONNER. As to why other people?

Mr. TAVENNER. As to why it is such a common practice for persons who were members of the Communist Party to state to the Government, when seeking employment or when required to make a statement that they had never been members of the Communist Party.

(The witness confers with his counsel.)

Mr. DONNER. The way you put it, the question forces me to rely on my previous answer.

Mr. MOULDER. Do you have any knowledge of such practice or policy referred to by Mr. Tavenner?

Mr. DONNER. I have knowledge that there have been people who pleaded the privilege to questions like this. Is that what you mean, sir?

Mr. MOULDER. No. He was asking the question as to the practice of certain persons.

Mr. DONNER. Well, I would decline, Congressman, for the reasons previously given.

Mr. TAVENNER. Do you know whether any instructions or directions were given by the Communist Party to its members that employees within Government should keep secret, even from the Government when applying for positions, the fact that they have been members of the Communist Party?

Mr. DONNER. The same answer, Mr. Tavenner.

Mr. MOULDER. When you say the same answer, you mean you decline for the reasons previously stated?

Mr. DONNER. That is correct.

Mr. TAVENNER. As indicated a moment ago, you left the National Labor Relations Board in 1945?

Mr. DONNER. Yes.

Mr. TAVENNER. To return to private practice in New York City?

Mr. DONNER. No. I first was employed by the CIO.

Mr. TAVENNER. When did your employment begin with the CIO?

Mr. DONNER. It must have been some time shortly thereafter. I don't remember exactly when.

Mr. TAVENNER. Within 30 days, do you think, after leaving Washington?

Mr. DONNER. I would say it wasn't much of a hiatus. I don't remember being unemployed.

Mr. TAVENNER. What was the nature of your employment?

Mr. DONNER. I was a lawyer for the CIO.

Mr. TAVENNER. What was your title?

Mr. DONNER. I was assistant general counsel.

Mr. TAVENNER. Who was the general counsel?

Mr. DONNER. Lee Pressman.

Mr. TAVENNER. How long did you serve in that capacity as assistant general counsel?

Mr. DONNER. Until around 1948, somewhere in there.

Mr. TAVENNER. Did you then transfer to some other type of work?

Mr. DONNER. I went to New York to private practice.

Mr. TAVENNER. Lee Pressman, I believe, served as general counsel until 1948 also?

Mr. DONNER. That is correct. I think I stayed on after he left for a brief period.

Mr. TAVENNER. Was your employment terminated at approximately the same time as Lee Pressman's?

Mr. DONNER. No; I think I stayed on anywhere from a half year to a year after he left.

Mr. TAVENNER. Did Lee Pressman's leaving the position of general counsel have anything to do with your leaving the position as assistant general counsel?

Mr. DONNER. No.

Mr. TAVENNER. Mr. Pressman appeared before this committee as a witness. He testified that, although he was not a member of the Communist Party at the time he appeared before the committee and although he stated he was not, organizationally speaking, a member of the Communist Party while general counsel of CIO, yet he told the committee that he had numerous conferences, while counsel for the CIO, with members of the Communist Party. He testified that he had discussed problems with the members of the Communist Party: "when they made recommendations or suggestions which I deemed to be of assistance or helpful to the CIO I accepted them."

Will you tell the committee, please, whether or not you engaged in any of the conferences that Mr. Pressman had with members of the Communist Party while you were employed as assistant general counsel?

Mr. DONNER. I decline for the reasons previously given.

Mr. TAVENNER. Do you know whether or not Mr. Pressman was telling this committee the truth when he said that he conferred with members of the Communist Party about problems of the CIO?

(The witness confers with his counsel.)

Mr. DONNER. I decline for the reasons previously given.

Mr. TAVENNER. Will you tell us, please, how you received your employment with the CIO?

Mr. DONNER. I got pretty bored with being a bureaucrat for 3 years or so and wanted to get out of Government, and I went over there and applied for a job. That is what happened.

Mr. TAVENNER. Did you apply to Lee Pressman?

Mr. DONNER. Yes.

Mr. TAVENNER. So Lee Pressman was responsible for your employment as his assistant?

Mr. DONNER. I think that is correct. I think that is correct.

Mr. TAVENNER. Were you a member of the Communist Party while you were assistant general counsel of the CIO?

Mr. DONNER. I decline to answer that for the reasons previously given.

Mr. TAVENNER. While employed as assistant general counsel of CIO, did the leadership in the CIO inquire of you at any time if you were a member of the Communist Party?

Mr. DONNER. May I point out, Mr. Tavenner, that you are now asking me questions about a period beyond my Government employment, and I don't think they are pertinent to the matter under inquiry, and I would like to get a ruling from that if I may.

Mr. MOULDER. Your objection will have to be overruled, Mr. Donner, because the inquiry is not necessarily confined or restricted to a period of time in which you were employed by the Government.

Mr. DONNER. May the question be repeated, please?

Mr. TAVENNER. Will you read it back?

(The pending question was read by the reporter.)

Mr. DONNER. I just don't recall. You know that was 8 years ago and they say that, when you are drowning you remember everything that happens in your life, it all passes before you in review; but I am just not drowning.

Mr. TAVENNER. Will you tell the committee, please, whether or not the question of your Communist affiliation played any part in your resignation?

Mr. DONNER. That is such a broad question. I would decline to answer that on the same grounds.

Mr. TAVENNER. It is broad. To be more specific——

Mr. DONNER. Did anybody ask me to leave because of any political views?

Mr. TAVENNER. Yes.

Mr. DONNER. As far as I know, no.

Mr. TAVENNER. You used the words "political views." I do not accept membership in the Communist Party as being concomitant with membership in a political party. My question is, was Communist Party membership discussed with you at the time of your resignation?

Mr. DONNER. No.

Mr. TAVENNER. Or in connection with your resignation?

Mr. DONNER. No.

Mr. TAVENNER. Have you held any Government positions since your resignation with the CIO?

Mr. DONNER. I don't think so. No; I don't think so.

Mr. TAVENNER. Well, you should not be in doubt about that.

Mr. DONNER. Well, I have a very bad memory, but I would say no. Of course, I realize Government employment is almost a traumatic experience. You remember it all your life. But, as far as I recall, I don't have any. I am almost certain of that.

Mr. TAVENNER. That would be since 1948. You would certainly know whether you have been.

Mr. DONNER. I understand it is possible to work for the Government and not know it, but I am pretty sure that I didn't work for the Government.

Mr. TAVENNER. In the sense that we all pay taxes, that certainly is true.

Are you now a member of the Communist Party?

Mr. DONNER. I decline for the reasons previously stated. I decline to answer for the reasons previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Do you have any questions, Mr. Velde?

Mr. VELDE. I have one. I am not getting any information here whatsoever. We do have a quorum call on the House floor.

Is it not a fact, Mr. Donner, that the reason you refuse to acknowledge your acquaintanceship with Herbert Fuchs is that he came before this committee and gave us some valuable information about his Communist activities and that you do not like any one who cooperates with this committee or does a good job for his country?

Mr. DONNER. Well, I wouldn't say that.

Mr. VELDE. What is your reason for not answering?

Mr. DONNER. Well, I gave my reasons.

Mr. VELDE. As to your acquaintanceship with Herbert Fuchs? You declined to answer, as I recall it.

Mr. DONNER. Yes; those are reasons.

Mr. VELDE. I fail to see your point.

Have you been engaged in activity of any illegal nature against the Government of the United States?

Mr. DONNER. Would you be more specific? Really, I would like to help you.

Mr. VELDE. I think you realize, of course, that the Communist Party of the United States has been called by the Comintern the International Communist conspiracy. I am wondering if you did anything that would aid the Communist Party of the United States or the Communist conspiracy in any way which would be of an illegal nature?

(The witness confers with his counsel.)

Mr. DONNER. Well, I don't know about this being controlled and so on. From the papers, apparently there is a good deal of fuss being kicked up domestically. I can't answer your question any more specifically. I would like to answer it specifically, but I can't. I know that I have never advocated the overthrow of the Government or adhered to any policy of overthrowing the Government, or committed espionage or leaked out illicit documents, or done anything that I regard as inconsistent as my duty to the Government.

Mr. VELDE. But you will not answer as to whether you aided the Communist Party of the United States, as to any of its activities?

Mr. DONNER. Yes; I would decline to answer.

Mr. MOULDER. Is that all, Mr. Tavenner?

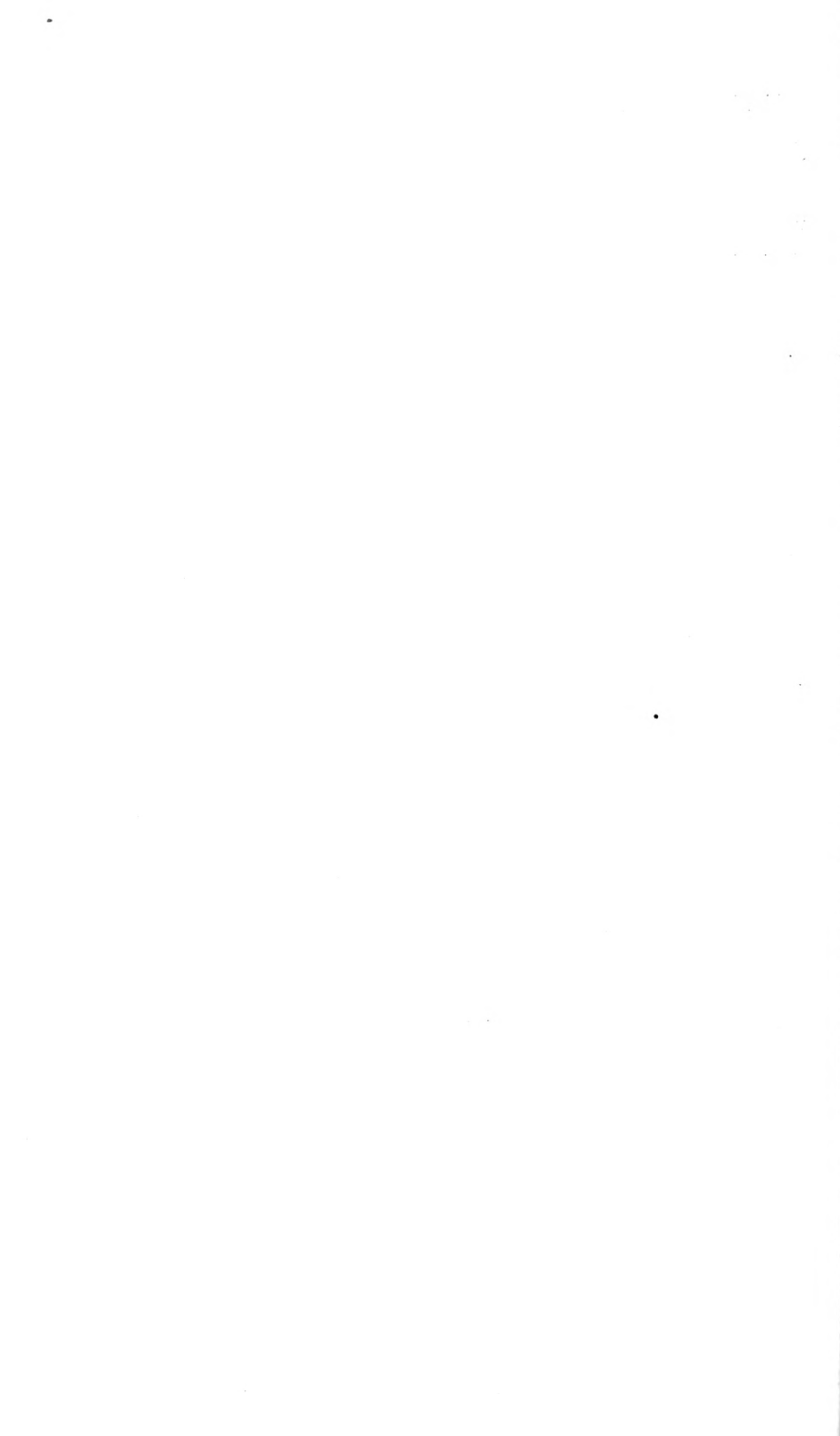
Mr. TAVENNER. That is all.

Mr. MOULDER. The witness is excused and, Mr. Donner, you are entitled to claim your fees as a witness.

The committee will stand in recess.

(Whereupon, at 3:40 p. m., Thursday, June 28, 1956, the hearing was recessed, subject to the call of the Chair, there being present at time of recess Representatives Moulder and Velde.)

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